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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,788	01/04/2002	Gilles Lebouill	11345/042001	7677

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EXAMINER

TO, BAOTRAN N

ART UNIT PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/019,788	<b>Applicant(s)</b> LEBOUILL, GILLES	
	<b>Examiner</b> Bao Tran N. To	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 18, 19 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 and 20-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 18, 19 and 29-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2006 has been entered.

This Office action is responsive to Applicant's Amendment filed on 2006. Claims 1, 5-6, 9-10, 18-19 and 29-30 are amended, Claims 11-17 and 20-28 are canceled, and Claims 31-40 are new. Claims 1-10, 18-19 and 29-40 remain for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10, 18-19 and 29-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 33 is objected to because of the following informalities: " a PP4 protocol layer" in line 2 must be written out. Appropriate correction is required.

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Claim 38 is objected to because of the following informalities: "an MSD number" in lines 1-2 must be written out. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 18-19, and 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U.S. Patent 5,983,273) hereinafter White in view of Mao et al. (U.S. Patent 6,459,427 B1) hereinafter Mao.

Regarding Claims 1 and 18, White discloses a method of authenticating communication between a receiver/decoder (WebTV client) and a remote device (WebTV server) for providing access to a network (col. 3, lines 5-20), the method comprising:

authenticating the communication using a unique identifier (identification information) that identifies the receiver/decoder (col. 2, lines 5-10), wherein the unique identifier is based on a subscription for broadcast service of the receiver/decoder (WebTV service) (col. 5, lines 50-58 and col. 7, lines 43-60),

wherein the receiver/decoder indirectly accesses the network to obtain internet services via a gateway (WebTV server) interposed between the receiver/decoder and the remote device (Figures 1 and 5, col. 5, lines 29-58), and wherein the identifier authenticates the communication with the gateway (col. 5, lines 29-58, col. 7, lines 45-67, and col. 8, line 1);

wherein the network is associated with corresponding network protocols, and wherein the network comprises a plurality of remote devices (remote servers 4) (Figure 1, col. 3, lines 25-37).

White explicitly does not disclose "data output from the receiver/decoder is converted into said data compliant with the network protocols by the gateway interposed between the receiver/decoder and the remote device, and wherein said converted data is communicated by the gateway to one of said remote devices as specified in said data wherein a communication channel is established between the receiver/decoder and the one of the plurality of remote devices."

However, Mao discloses wherein data output from the receiver/decoder is converted into said data compliant with the network protocols by the gateway interposed between the receiver/decoder and the remote device, and wherein said converted data is communicated by the gateway to one of said remote devices as specified in said data wherein a communication channel is established between the receiver/decoder and the one of the plurality of remote devices (Figures 1-2 col. 4, lines 20-30 and col. 6, lines 15-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Mao's invention within White to include wherein data output from the receiver/decoder is converted into said data compliant with the network protocols by the gateway interposed between the receiver/decoder and the remote device, and wherein said converted data is communicated by the gateway to one of said remote devices as specified in said data wherein a communication channel is established between the receiver/decoder and the one of the plurality of remote devices. One of ordinary skill in the art would have been motivated to integrate the Internet and digital television signals, and to provide interactivity for the consumer (Mao, col. 4, lines 30-32).

Regarding Claim 2, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the identifier is stored on a removable component (smartcard) of the receiver/decoder (White, col. 4, lines 5-20).

Regarding Claim 3, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the identifier is independent of a network login identifier for the receiver/decoder (White, col. 7, lines 8-20).

Regarding Claim 4, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the identifier is based on a number unique (id) to a smartcard for use with the receiver/decoder (White, col. 4, lines 5-10).

Regarding on Claim 5, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the one of the plurality of remote devices is for accessing the internet (White, Fig. 1, col. 3, lines 33-35).

Regarding Claim 6, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the one of the plurality of remote devices is for accessing the internet is an internet account management system (White, col. 5, lines 30-35).

Regarding Claim 7, White and Mao disclose the limitations as discussed in Claim 6 above. White and Mao further disclose wherein an internet account for a user is established by the internet account management system using the identifier of the receiver/decoder (White, col. 5, lines 50-55).

Regarding Claim 8, White and Mao disclose the limitations as discussed in Claim 7 above. White and Mao further disclose wherein the identifier of the receiver/decoder is compared by the internet account management system with a stored list of identifier of receiver/decoders which may establish internet accounts (White, col. 5, lines 28-35).

Regarding Claim 9, White and Mao disclose the limitations as discussed in Claim 7 above. White and Mao further disclose wherein the wherein the one of the plurality of

remote devices comprises means for sending data to an internet service provider and wherein said method comprises the steps of providing details of the internet account to the internet service provider to establish a bi-directional data pathway (bi-directional data connection 29) between the receiver/decoder and the internet service provider (remote server) (White, Fig. 1, col. 3, lines 20-30).

Regarding Claims 10 and 19, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein said identifier is accompanied by data identifying a data pathway to be used for communication between the receiver/decoder and one of the plurality of remote devices (White, col. 1, lines 60-65).

Regarding Claim 29, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein a message instructing termination of the communication channel is communicated from the receiver/decoder to the gateway using the non-internet protocol, the gateway in turn communicating a termination command to the specified remote device using the internet protocol (Mao, col. 8, lines 25-45).

Regarding Claim 30, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the identification of the



receiver/decoder is authenticated by the gateway before the communication channel is established (Mao, col. 2, lines 30-45).

Regarding Claims 31 and 33, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the gateway comprises a gateway protocol layer, a PP4 protocol layer and a TCP/IP layer (Mao, Figure 2, elements 200 and 295), and wherein low-level communication between the receiver/decoder and the gateway is performed using a message that complies with the gateway protocol layer of the gateway, wherein the message comprises a message structure, and wherein the message structure comprises: a protocol version; a command identifier that identifies a type of the message, wherein the type of the message defines at least one parameter included in the message; and a data length indicating an overall length of the least one parameter (White, col. 6 lines 53-64, col. 8, lines 30-52 and col.10, lines 33-50).

Regarding Claims 32 and 34, White and Mao disclose the limitations as discussed in Claim 31 above. White and Mao further disclose wherein the at least one parameter is at least one selected from the group consisting of a parameter that identifies the one of the plurality of remote devices to which the receiver/decoder establishes a connection, a parameter that contains data received from the one of the plurality of remote devices, a parameter that contains data to be sent to the one of the

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plurality of remote devices, and a parameter that identifies an error condition (White, col. 6 lines 53-64, col. 8, lines 30-52 and col.10, lines 33-50).

Regarding Claim 35, White and Mao disclose the limitations as discussed in Claim 1 above. White and Mao further disclose wherein the one of the plurality of remote devices requires authentication of the receiver/decoder, and wherein the gateway prompts the receiver/decoder for authenticate parameters to authenticate to the one of the plurality of remote devices (White, col. 7, line 41-col. 8, line 5).

Regarding Claim 36, White and Mao disclose the limitations as discussed in Claim 35 above. White and Mao further disclose wherein the authentication parameters include a smartcard number (White, col. 7, lines 45-50).

Regarding Claim 37, White and Mao disclose the limitations as discussed in Claim 35 above. White and Mao further disclose wherein upon authentication of the receiver/decoder, a subscriber using the receiver/decoder is permitted access to internet services via a connection account, wherein the connection account is an account used for subscriber log-in (White, col. 5, lines 28-60).

Regarding Claim 38, White and Mao disclose the limitations as discussed in Claim 37 above. White and Mao further disclose wherein the subscriber log-in is

performed using an MSD number, wherein the MSD number is partially derived from the smartcard number (White, col. 5, lines 45-50).

Regarding Claim 39, White and Mao disclose the limitations as discussed in Claim 37 above. White and Mao further disclose wherein the connection account is linked to at least one directory account, wherein the at least one directory account provides the subscriber with access to internet services (White, col. 5, lines 28-60).

Regarding Claim 40, White and Mao disclose the limitations as discussed in Claim 39 above. White and Mao further disclose wherein the directory account comprises:

an identifier and a password (White, Figure 6A, elements 620 and 625)  
at least one electronic mail aliases(White, col. 10, lines 45-50); and  
data related to internet services offered to the subscriber (White, Figure 6B, elements 645 and 650).

#### ***Contact Information***

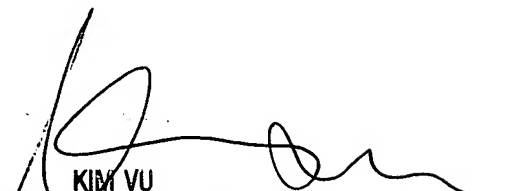
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BT  
02/15/2007

  
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